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Jury Hears Deposition From Ex-Aide in CBS Trial

J By M. A. FARBER

The jury in the libel suit brought against CBS by Gen. William C. Westmoreland heard testimony for the first time yesterday that a military intelligence analyst in South Vietnam believed that North Vietnamese infiltration in 1967 was much higher than was made known.

In a pretrial deposition that was introduced by lawyers for General Westmoreland — but that seemed initially to buttress CBS's position — former Lieut. Michael B. Hankins said he had "screamed bloody murder" that monthly infiltration into South Vietnam was between 20,000 and 30,000 in the fall of 1967. That would be four to five times the rate cited in official reports.

Lieutenant Hankins said he told "everybody" that the figures in the official reports were too low and "misleading" because they depended on confirmatory evidence of the infiltration. But he also said his higher figures were based on an unvalidated method of projecting infiltration and he did not know whether there was ever any "hard source" data to support them.

Lieutenant Hankins, now a civilian employee of the Army at Fort Lewis, Wash., declined to travel to the trial, now in its fifth week in Federal District Court here, according to lawyers for CBS. So portions of his deposition, taken under subpoena in Washington state, were read into the record yesterday.

Size of Enemy Forces an Issue

The lieutenant's experience in Vietnam seemed especially important to the trial because it appeared to form a basis on which CBS contended in a 1982 documentary that infiltration was running about 25,000 a month in the fall of 1967 — information that CBS said was "systematically blocked" by General Westmoreland's command.

The network made the assertion in a CBS Reports documentary — "The Uncounted Enemy: A Vietnam Deception." The broadcast charged that military intelligence officers at the "high-ests levels" had engaged in a conspiracy to minimize enemy strength in the

year before the Tet offensive of January 1968. General Westmoreland claims that the program defamed him by saying that he lied to President Johnson and the Joint Chiefs of Staff about the size of enemy forces.

In his deposition, Lieutenant Hankins said he refused entreaties by other former officers to cooperate with CBS during the preparation of its documentary. But he said he had spoken on several occasions with Samuel A. Adams, a former analyst for the Central Intelligence Agency who served as a consultant to the network for the program.

After parts of the deposition were read, Dan M. Burt, General Westmoreland's lawyer, showed the jury the segment of the broadcast that related to North Vietnamese infiltration.

Sent to Vietnam in 1967

In an interim summation — an unusual feature of this trial — Mr. Burt told the jury that nothing about the rate of infiltration had been kept secret from those officers who were "cleared to know" the information.

"Ask yourself," Mr. Burt said, "why a commander would conceal a doubling of the troops he faced."

David Boies, CBS's lawyer, countered by saying that the deposition and broadcast, together with other materials he cited, supported the charge leveled on the program.

The story told by Lieutenant Hankins in his deposition is intertwined with a number of the events that have been the subject of testimony by previous witnesses — particularly by Lieut. Col. Everette S. Parkins.

Colonel Parkins was Lieutenant Hankins's immediate superior in a military intelligence unit in Vietnam in 1967. The colonel testified that he was unaware of infiltration reports of the magnitude of 20,000.

Lieutenant Hankins said that, despite his efforts to evade the draft and remain a college student, he was sent to Vietnam in 1967 and given the job of estimating North Vietnamese infiltration in a unit that was required to have "collateral sources" of information before it could list new enemy units.

With that "constraint," he said, he

issued a monthly report in the fall of 1967 that estimated infiltration at 5,000 to 6,000. Meanwhile, he said, he was "playing around" with another method of estimation that had been shown him by Colonel Parkins.

This method, he said, factored in sensitive communications data on enemy movements in and around South Vietnam — as well as past patterns of infiltration, weather and other seasonal conditions — and extrapolated or projected infiltration rates. And those rates, he said, turned out to be substantially higher than what he was regularly reporting.

Lieutenant Hankins said he became convinced that his normal method for estimating infiltration was unrealistic and "counterproductive." He said he told that at the time to Colonel Parkins and Col. Charles A. Morris and to Lieut. Col. Daniel O. Graham, who was then in charge of "current estimates" on enemy strength and who testified last week that infiltration never approximated 20,000.

Lieutenant Hankins said in his deposition that both Colonel Morris and Colonel Graham — who he acknowledged may have had access to data he did not — had reservations about his new methodology. At one point in the deposition, Lieutenant Hankins said he had no reason to think the two colonels were acting in "bad faith."

The colonels, he said, "just felt, from their analysis of the stuff, that the enemy was not infiltrating at that level, and to some extent didn't have the capability to infiltrate personnel at that level for any extended period of time."

Testimony by another military intelligence officer, Col. John R. Stewart, began yesterday afternoon and will continue today.